

Serial No.: 09/629,904
Attorney Docket No.: F-179

Patent

REMARKS

1. Status of Claims

As it is unclear whether the April 21, 2004 Amendment After Final Rejection was entered, Claims 17-32 and 34 were pending in the Application. Applicant has amended claims 17, 24 and 32 and canceled claim 34 without prejudice or disclaimer. Applicant respectfully requests entry of the above amendments and consideration of the enclosed remarks. Applicant respectfully submits that no new matter is added. Accordingly, claims 17-32 will remain pending in the application.

2. Provisional Double Patenting Rejection

In section 4 of the Office Action, the Examiner provisionally rejected claims 17, 19, 20, 24, 27, 31 and 32 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 10-12, 14, 19, 21 and 22 of copending Application No. 09/629,909 in view of U.S. Patent No. 6,389,455 to Fuisz ("Fuisz '455").

Applicant respectfully traverses the rejection. The provided claim chart does not identify all of the differences between the claims recited. However, as the rejection is provisional, Applicant reserves the right to file a terminal disclaimer if the rejection is made final. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

3. Rejections under 35 USC § 103(a)

In section 6 of the Office Action, the Examiner rejected claims 17-32 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,438,583 to McDowell, et al. ("McDowell '583") in view of U.S. Patent No. 6,389,455 to Fuisz ("Fuisz '455").

Serial No.: 09/629,904
Attorney Docket No.: F-179

Patent

Applicant respectfully traverses the rejection. However, solely in order to expedite prosecution, Applicant has amended claims 17, 24 and 31 without prejudice or disclaimer and the rejection is moot.

Applicant respectfully submits that the invention as presently claimed in claims 17-32 is patentable over the cited references. For example, and as can appreciated from Fuisz '455, the reference does not teach storing sender email address data, because it does not contemplate forwarding undeliverable e-mail, but rather provides a user the ability to forward email from one of the user's email addresses to another one. Furthermore, Fuisz '455 does not contemplate storing messages that are not associated with a subscriber to the system of Fuisz '455. Accordingly, the invention as presently claimed in Claim 17 is patentable over the cited references. Claims 24, 31 and the dependent claims are patentable over the cited references for at least the same reasons.

Accordingly, Applicant respectfully submits that claims 17-32 are in condition for allowance and respectfully request that the Examiner withdraw the rejection.

4. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

5. Authorization

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-179.

Serial No.: 09/629,904
Attorney Docket No.: F-179

Patent

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-179.

Respectfully submitted,



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- 8 -

7/1/05 Amendment